

# Five Years as Chief Justice

*"Since becoming Chief Justice on May 1, George has been working virtually nonstop to improve the way that everybody gets along, from justice to justice, from the state high court to other appellate courts, from the state Judicial Council to the Legislature and from trial court to trial court."—Daily Journal, December 30, 1996*

Shortly after taking office, in an effort to establish lines of communication and see first-hand the issues confronting California's courts, Chief Justice Ronald M. George pledged to visit the trial and appellate

courts in each of California's 58 counties. By August 1997 he had fulfilled his pledge, including a visit to two Native American tribal courts.

During his travels and tenure, Chief Justice George has listened to judges, court officials, and court support staff, encouraging new ideas and suggestions for maintaining and improving the justice system. During these five years, he has helped steer the judicial branch through a period of unprecedented change, including the historic passage of state funding for trial courts, trial court unification, a fairness

education initiative for judges and court employees, and critical jury system reforms, to mention a few.

At its meeting on April 27, the Judicial Council presented Chief Justice George with a resolution commemorating his first five years as Chief Justice and his outstanding leadership of the judicial branch. He also received a resolution from the Legislature recognizing five years of remarkable achievement and personal commitment to improving the administration of justice. ■



Marking Chief Justice Ronald M. George's fifth year in office, Judicial Council members presented him with resolutions from the council and the Legislature honoring him for his outstanding leadership of the judicial branch. *Photo: Shelley Eades*

## AOC Appoints New Assistant Division Director

The Administrative Office of the Courts (AOC) has named Pat Sweeten Assistant Director of the agency's Trial Court Programs Division. Ms. Sweeten, who comes to the AOC from her position as Assistant Executive Officer and Chief Financial Officer of the Superior Court of Alameda County, began her new duties on May 2.

"Pat brings a wealth of experience in trial court administration to the AOC, which will greatly benefit our office and the state judicial branch," says William C. Vickrey, Administrative Director of the Courts.

"Pat will join the AOC during exciting and challenging times, and we are happy to welcome such talent to our management team," notes Ronald G. Overholt, Chief Deputy Director of the AOC.

In her new position, Ms. Sweeten will manage a team of 40 professionals and will be responsible for critical statewide trial court programs such as those that deal with court interpreters, jury reform, court security, local court assistance, and collaborative justice.

Before assuming her position in Alameda County in 1998, Ms. Sweeten was Assistant Executive Officer of the Superior Court of San Diego County for 10 years. In addition, she has extensive experience in the fiscal management field, having worked for various county agencies, including the Chief Administrative Office of San Diego from 1976 to 1988.



Pat Sweeten

## Energy

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employees were still able to make and receive phone calls but, due to the electronic nature of the phone system, were unable to detect the incoming calls.

The court's biggest concern is the prospect of power outages while transferring in-custody defendants. Of the county's 18 court facilities, 11 hold trials for which defendants must be transported between courtrooms and holding cells.

"The potential exposure from a public safety perspective is huge," says Susan Myers, Chief Assistant Executive Officer for the Superior Court of Santa Clara County. "Many times we have to transfer inmates by elevator or through courthouses with limited backup lighting."

## Warnings in Sacramento

In Sacramento County, the superior court has had more black-out warnings than actual power outages. Among its five facilities, only one has been hit by a black-out. On March 19 Sacramento's Juvenile Court experienced a

power outage that lasted about an hour.

In addition to receiving information about outages from County General Services, the court has also established communication with the Sacramento County Sheriff's Department, which has direct access to local utilities. This level of communication allows the court to provide the most accurate information possible to staff at its various facilities.

"So far, we have not been substantially affected by the power crisis, absorbing only one outage which lasted one hour," says Assistant Executive Officer Frank Martinez. "But, the power stoppage warnings are cause for alarm. It is frustrating because the utility companies are faced with a dynamic situation dependent on usage and supply, which causes the information to change, sometimes within minutes."

Mr. Martinez says his court also is concerned about the integrity of court data if the power is shut off while staff are inputting information into its computer systems. The court has outlined a heightened alert protocol to be followed during these situations.

The court does not plan to close its facilities during a power outage, unless one occurs around 4 p.m., because they have been informed that the outages will only last for one hour. Some of the court's facilities have emergency lighting, but, if necessary and whenever possible, the court will attempt to move people to other areas within each courthouse where there is natural lighting.

"In addition to coping with potential power outages, we are also trying to conserve power wherever possible," adds Mr. Martinez. "The court is minimizing lighting such as in elevator waiting areas, halls, and staff areas. It is also encouraging staff to shut down equipment when it is not in use."

## Systems Down in San Diego

So far, according to its Public Affairs Officer Marilyn G. Lawrence, the Superior Court of San Diego County has experienced only two power interruptions. One outage occurred at the central courthouse from 12:00 to 12:30 a.m., so it did not affect operations. However, the second power failure hit midmorning on March 20 at the Madge Bradley

Building, which houses a domestic violence court, a probate court, and two business offices.

The court received warning from sheriff's deputies that an outage might affect the Madge Bradley Building. When this warning came true, the lights in the entire building went out and the computer systems shut down. Fortunately, the building's backup generators kept lights on in both the courtrooms and the stairwells. In keeping with the building's emergency plans, sheriff's deputies evacuated members of the public from the premises.

The court has procedures in place to move hearings to later in the day or issue continuances in case of power failures or other emergency situations. However, during this most recent outage, all of the courts in the affected branch were able to complete their calendars.

Even though courtroom personnel were able to complete their activities, other court staff were affected by the power outage. Business office staff already had been issued flashlights but, even so, were not able to pull or file cases because of darkness. Instead, they answered phones and did other tasks until the lights were restored. Idled personnel also included seven probate examiners, who fell behind in entering their research notes into the computer.

Most forecasts for this summer in California predict more power outages around the state. Where and when they will occur, and if the state's courts will be affected, remains a question. But one thing is certain—California's energy crisis is not going away anytime soon. ■



## Power Conservation Tips

California's courts can address the need for energy efficiency this summer in the following ways:

- 💡 Turn off all unnecessary lights, especially in unused offices and conference rooms, and turn down remaining lighting where possible.
- 💡 Clean off the grease, dust, and other dirt regularly from bulbs, fixtures, lenses, lamps, and other reflective surfaces to increase light output.
- 💡 Set computers, monitors, printers, copiers, and other business equipment to their energy-saving mode and then turn them off at the end of the day.
- 💡 Minimize energy use during peak demand hours—from 5 to 9 a.m. and 4 to 7 p.m.

Sources: State and Consumer Services Agency; California Technology, Trade & Commerce Agency

## Mental Health Treatment Courts

# Unconventional Justice

ELLEN MCCARTHY

In 1998 the San Bernardino County jail's medication budget for the mentally ill approached \$1 million, prompting the sheriff's department to protest to Superior Court of San Bernardino County Judge Patrick J. Morris that the jail had become the county's largest and most underfunded de facto mental hospital.

"Around 16 percent of men and 24 percent of women in our jails and prisons are mentally ill," Judge Morris says. "The lack of adequate mental health treatment options in the community results in many mentally ill individuals recycling between jail and the streets," he explains, "and that has created a crisis for our courts. Something must be done."

With grants from the Department of Behavioral Health and the Department of Corrections, the Superior Court of San Bernardino County established a mental health treatment court in 1999, over which Judge Morris now presides. Known as Supervised Treatment After Release (STAR), the program, which currently has 30 participants and a total of 12 graduates, is aimed at "jail-based and jail-bound" mentally ill offenders, most of whom are charged with loitering and trespassing as well as with drug felonies and property crimes.

Santa Clara County faced a situation similar to that in San Bernardino County with its mentally ill defendants. During the two years before Santa Clara's mental health treatment court was created, mentally ill offenders spent a combined 16,720 days in jail. "At nearly \$66 a day, that cost the county more than \$1 million," states Superior Court of Santa Clara County Judge Stephen V. Manley. Since 1999 he has presided over the county's unconventional mental health treatment court two days each week and

has become a staunch advocate for both therapeutic jurisprudence and the mentally ill.

Looking at the first 56 graduates of Judge Manley's mental health court and their number of *unserved* jail days—the actual days they were sentenced to serve

they often refer to their rehabilitation team as *family*. In his courtroom, clients are cheered for each goal they achieve in their rehabilitation plans. Similarly, in San Bernardino County's court, Judge Morris sometimes hugs a graduation candidate.

## Mentally Ill Offenders

- Since 1984, the average number of inmates incarcerated in California county jails has almost doubled, from 43,000 to nearly 80,000 in 2000.
- In 1984, less than 3 percent of county jail inmates were diagnosed with serious mental illnesses such as schizophrenia and bipolar disorder. By 2000, that number ranged between 11 and 15 percent.
- Mental health professionals estimate that approximately 20 percent of juvenile offenders suffer from a serious mental illness.

Source: Mentally Ill Offender Crime Reduction Grant Program Annual Report (June 2000); Daily Journal

but instead spent in community treatment—the county has saved \$395,000. "That kind of result makes a lot of sense to our policymakers and it makes a lot of sense in human terms, too," says Judge Manley.

### Drug Court Model Falls Short

When helping to create Santa Clara County's mental health court, Judge Manley originally based it on the drug court model. But he quickly saw that the mentally ill perform "terribly" in that model. "There are too many requirements, too many places to go, and high expectations. They just couldn't do it all and most failed."

Instead, the judge looked at the success of the nation's first mental health treatment court, in Florida, and, with funding from his local board of supervisors, created one in Santa Clara County. According to Judge Manley, his is the largest mental health treatment court in the country. Currently, the program serves 220 participants and boasts 71 graduates—defendants who completed one year in the program, have no new convictions, have remained clean and sober for 90 days, and are continuing to receive mental health treatment.

"We emphasize treatment and monitoring rather than punishment and warehousing that has no meaning to the individual and returns defendants back to the streets without any assistance," says Judge Manley. "We build up their self-respect to help them return to the community and stay out of jail."

Unlike the traditional adversarial justice model, treatment courts foster supportive relationships with defendants with mental illness. Judge Manley refers to them as *clients*, and

Candidates are screened for suitability and offered an intensive treatment program set up by county mental health workers. A guilty plea is required for eligibility in San Bernardino but not in Santa Clara or Riverside.

"In my county we don't let assessments stand in the way," notes Judge Manley. "Clients may not be diagnosed as Axis 1 (the *Diagnostic and Statistical Manual's* primary diagnostic category for mental or behavioral health disorders) because they are diagnosed with amphetamine-induced psychosis or their depression is defined as cocaine-based. We don't exclude anyone for that reason because the conflict between drug assessments and mental health assessments needs to be resolved, and the bottom line is the client needs treatment."

Both the court and the caseworkers encourage clients to take responsibility for their lives by setting and meeting small goals, which might include getting to court on time, finding out how to get there on a bus, attending a diagnosis meeting, or writing a short letter to someone they have not seen in years.

"This is not an easy process," Judge Manley admits. "Some clients are afraid to talk, afraid of the judge, afraid of other people, or just afraid of everything. If a client suffers from panic disorder, we try to build a sense of trust by allowing them to observe the proceedings from an adjacent room until they feel brave enough to come into the courtroom."

### Sanctions

As in any other court, there are consequences for those who do not comply with the judge's orders. On occasion, Judge Manley has ordered defendants to sit as an observer in the courtroom or write a letter to the court explaining why they should be kept in the program. Sometimes the court must resort to sanctions, ordering clients to spend part of the day in jail "just to get their attention," he says.

However, for his court's mentally ill clients, Judge Manley finds that sanctions do not work as effectively as affirmation and acknowledgment of progress. "The need to use sanctions is rare," he says when asked about what happens when clients refuse treatment. "We continue to encourage them to participate, keep trying to win them over. This is a very different concept than trying to punish them for refusing treatment, which is still the most common way for [other] courts to deal with the mentally ill."

When Judge Morris noticed that some offenders in his court perceived spending a weekend in jail as time out from their daily treatment programs and chores, he began ordering community service work instead. "This type of sanction benefits both the offender and the community."

The great majority of the offenders Judge Dugan sees are

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Mental health treatment courts are court-community collaborations involving frequent communication and follow-up with each defendant and other justice and social service organizations. Shown here, Deputy Public Defender Bernardo Saucedo (left) and Licensed Clinical Social Worker JoAnn Brei (right) counsel Ivy Daniels, a client in the Superior Court of Santa Clara County's mental health treatment court. Photo: Courtesy of the Superior Court of Santa Clara County



# Yolo Court Offers Dependency Mediation to Families

In an effort to foster improved communication in dependency cases, the Superior Court of Yolo County now offers mediation services in its Juvenile Dependency Court. Initiated in February, the program connects families, social workers, and attorneys with a skilled mediator who helps them resolve differences and develop effective case plans for children who have been removed from their homes due to abuse or neglect.

In its first two months of operation, the program has served 13 families, facilitating greater communication between parties and improved satisfaction with case outcomes. "We have been pleased with the results thus far," says Presiding and Juvenile Court Judge Thomas E. Warriner.

Based on successful programs such as those in Alameda, Los Angeles, San Francisco, and Santa Clara Counties, Yolo's de-

pendency mediation program offers free, confidential services to families involved with the child welfare system. Each week, mediators are available in court on Thursday and Friday mornings to provide immediate assistance to families through case conferencing and planning. Drawn from a pool of experienced marriage and family therapists and licensed clinical social workers, the mediators meet with parents, social workers, attorneys, foster parents, and other relatives in an informal setting to discuss issues pertaining to their dependency cases. The sessions offer parents who might otherwise feel intimidated by the traditional court setting an opportunity to express their opinions regarding their case in a forum that enables cross-communication and creative problem solving.

Yolo County's dependency mediation is an optional pro-

gram, and all issues discussed in the mediation process are confidential unless an agreement allowing disclosure is reached by all parties in the case.

● For additional information about Yolo County's dependency mediation program, contact Amy Loeliger, 530-666-8611. ■



Judge Thomas E. Warriner reviews an agreement reached during dependency mediation with mediator Tony Aguilar and local attorneys. Photo: Courtesy of the Superior Court of Yolo County

## Unconventional Justice

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schizophrenics, most with borderline IQs. For them, following directions is extremely difficult without intense supervision and structure, she reports. "We make sure they understand that staying on prescribed medications, substance abuse placement, psychiatric visits, and counseling are mandatory probation terms and that failure to comply means further incarceration."

Unlike the state's other mental health courts, which accept violent felons only with the prosecutor's consent, Judge Dugan's court seeks out such offenders. Of her court's 55 current participants, 42 are violent felons. Her rationale is that "it is extremely important to the community that defendants who are most at risk to do harm get the most attention and treatment."

The court's biggest challenge, she notes, is insufficient access to residential mental health facilities for those too volatile or psychotic for outpatient treatment. "There are plenty of beds, but these patients must be funded through Social Security and a case manager must be assigned to them, all of which can take weeks or months." The court, in conjunction with other justice and social service agencies, is seeking funding to remedy the situation.

### Juveniles

Operating much like its adult counterpart, the Superior Court of Santa Clara County's new juvenile mental health court has

been running two afternoons a month since February. According to Judge Raymond J. Davilla, Jr., who supervises the program, this innovative court is the first of its kind in the nation. The program was created after a survey indicated a high percentage of the local juvenile hall population has serious mental illness.

In Judge Davilla's court, those juveniles who suffer from mental illness and have not been charged with a serious felony are offered treatment as an alternative sentence. "The only difference between the adult and juvenile program is that we need the support of the parents, who sometimes won't acknowledge a mental health issue," says Judge Davilla.

So far the program has about eight participants, and Judge Davilla sees the program growing. "About one third of the kids in our juvenile justice system have a mental illness," he adds. "The most common illnesses are bipolar disorder, severe attention deficit disorder, and major depression, compounded in many cases by drug abuse."

When defendants are sentenced to treatment regimens, the court's team of legal and social service experts steps in to assist them in moving on to more stable and productive lives. This includes helping these juveniles continue their schooling by working with the local probation department's Youth Education Advocate program.

Hearings are held once a week. Supervision of compliance by caseworkers and the court is intensive, with status hearings held every three to four weeks. During hearings, the judge discusses the participant's progress

and problems and offers encouragement, reprimands, or modifications to the plan that vary depending on the illness or treatment stage.

### Interest Growing

"The concept of a mental health treatment court is really catching on," says Judge Morris, who team-teaches courses on the subject with Superior Court of Alameda County Judge Peggy Fulton Hora at the National Judicial College in Nevada. "This year all 30 seats are filled, and there's a long waiting list," Judge Morris adds. During the past year his court has seen dozens of visitors from California and other states. "They come to watch how we handle this calendar, and most go away committed to starting their own mental health courts."

● For more information on mental health treatment courts:

◆ The U.S. Department of Justice report *Emerging Judicial Strategies for the Mentally Ill* provides detailed outlines of the San Bernardino County Mental Health Treatment Court's program, along with similar information about pioneering jurisdictions in three other states.

◆ The Judicial Council's Collaborative Justice Courts Advisory Committee, chaired by Superior Court of Butte County Judge Darrell W. Stevens, encourages development of collaborative courts in California and provides funding for programs that offer services (including treatment) to unique target populations. [www.courtinfo.ca.gov/courtadmin/jc/comlists/colljust.htm](http://www.courtinfo.ca.gov/courtadmin/jc/comlists/colljust.htm)

◆ National Center for State Courts, an independent, nonprofit

organization dedicated to the improvement of justice, will soon have a special Web page devoted to mental health treatment courts. Contact the Information Resource Center, 800-616-6164. ■

## Support for Mental Health Courts

- In 1998, Senate Bill 1485 created the Mentally Ill Offender Crime Reduction Grant Program and directed the state Board of Corrections to award and administer four-year grants for collaborative local projects aimed at determining effective strategies for reducing crime, jail crowding, and criminal justice costs. To date, 15 California counties are providing services to some 12,500 eligible offenders. The counties are Humboldt, Kern, Los Angeles, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Barbara, Santa Cruz, Sonoma, and Stanislaus. *For more information, contact the Board of Corrections, 6000 Bercut Drive, Sacramento, California 95814.*
- For fiscal year 2001, approximately \$8 million in federal Substance Abuse Prevention and Treatment (SAPT) Block Grants has been made available to California counties for use in the treatment of people who have a mental illness and are substance abusers. Counties also will get an \$11.9 million increase in federal funds for drug testing, prevention, and HIV/AIDS services for such persons in county substance abuse programs. The drug testing funds target those defendants being served under Proposition 36, California's Substance Abuse and Crime Prevention Act of 2000. The funds will be allocated to counties using the standard federal block grant formula.
- New 2000 federal legislation (Sen. 1865) supports court demonstration projects for the mentally ill who commit nonviolent crimes. It authorizes the U.S. Attorney General to award 100 grants to states, municipalities, and Indian tribal governments to fund mental health training for court personnel as well as mental health services for eligible defendants.